

MAY 05 2020

CLERK OF THE COURT

BY: *Adria Gomez*
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

IN RE: ADMINISTRATIVE ORDER OF THE
PROBATE AND MENTAL HEALTH
DIVISION RE COVID-19 PANDEMIC

THIRD AMENDED GENERAL ORDER
OF THE PROBATE AND
MENTAL HEALTH DIVISION

The Probate and Mental Health Division of the Superior Court of San Francisco issues this Third Amended General Order of the Probate and Mental Health Division under the authority granted by Government Code section 68115; the Emergency Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, dated March 16, 2020; March 19, 2020; April 10, 2020; and, April 21, 2020; Chief Justice Cantil-Sakauye's Statewide Orders, dated March 23, 2020; March 30, 2020; and, April 29, 2020; Chief Justice Cantil-Sakauye and the Judicial Council of California's adoption of emergency rules 1 through 11 of the California Rules of Court, effective April 6, 2020, as well as their April 17, 2020 adoption of emergency rule 12, effective April 17, 2020, and their April 19, 2020 adoption of emergency rule 13 and modification of emergency rule 8; Chief Justice Cantil-Sakauye's order re the San Francisco Superior Court, dated April 10, 2020; and, the General Orders of the Honorable Garrett L. Wong, Presiding Judge of the Superior Court of California, County of San Francisco, filed March 16, 2020; March 19, 2020; March 24, 2020; April 1, 2020; April 14, 2020; and April 30, 2020. This Order AMENDS and SUPERSEDES the General Order of the Probate and Mental Health Division, signed March 26, 2020; the Amended General Order of the Probate and Mental Health Division, signed April 2, 2020; and, the Second Amended General Order, signed April 16, 2020.

The Probate and Mental Health Division **HEREBY FINDS AND ORDERS AS FOLLOWS:**

1 Wednesday, March 18, 2020 through Monday, June 1, 2020, inclusive, are deemed holidays for
2 purposes of computing time for filing papers with the Court under Code of Civil Procedure sections 12
3 and 12a (see Government Code § 68115(a)(4)), for purposes of:

- 4 1. Filings pursuant to the Probate Code, including but not limited to:
 - 5 a. Initial petitions for probate (Probate Code § 8003);
 - 6 b. Petitions to probate a subsequently-discovered will (Probate Code § 8226);
 - 7 c. Petitions to revoke probate (Probate Code § 8270);
 - 8 d. Reports of sale (Probate Code § 10308).
- 9 2. Responses to filings pursuant to the Probate Code, including but not limited to:
 - 10 a. Objections to Inventory and Appraisal (Probate Code § 2614);
 - 11 b. Responses to petition to revoke probate of will (Probate Code §8271);
 - 12 c. Responses to summons (Probate Code §§ 8250, 8271).

13 **IT IS FURTHER ORDERED**, consistent with Presiding Judge Garrett Wong's General Orders
14 referenced above, that Wednesday, March 18, 2020 through Monday, June 1, 2020, inclusive, are deemed
15 holidays for purposes of computing time for filing papers under Code of Civil Procedure sections 12 and
16 12a (see Government Code § 68115(a)(4)) and taking other actions in matters pending before the Probate
17 and Mental Health Division as follows:

- 18 1. The time to respond to discovery, including the time to object, the time to file motions for
19 protective orders and the time to compel discovery pursuant to Code of Civil Procedure sections
20 2016.010 et seq.;
- 21 2. The time to move to quash, file a demurrer, move to strike, including a special motion to strike
22 pursuant to Code of Civil Procedure section 425.16 et seq., or otherwise respond to a petition to
23 the extent the time to respond is governed by the Code of Civil Procedure and not the Probate
24 Code;
- 25 3. The time to file, hear and rule on any post-trial motion as set forth in the Code of Civil Procedure,
26 including but not limited to notices of intent to move for a new trial and motions for a new trial,
27 pursuant to Code of Civil Procedure sections 659 et seq.;
- 28 4. The time to file a cost bill, a motion to tax costs, or a motion for attorney fees;
5. The time to file a motion under Code of Civil Procedure section 473;
6. The time to file a motion under Code of Civil Procedure section 1008.

All trust, estate, guardianship, and probate conservatorship hearings currently on calendar for a
date between March 18, 2020 and June 19, 2020, inclusive, are continued for exactly twelve weeks,
unless the new date falls on a holiday, in which case the hearing will be continued to the subsequent

1 appropriate calendar. The new date for any hearing is available on the Court's electronic register of
2 actions. All counsel and self-represented parties must monitor the electronic register of actions to obtain
3 the date for their hearings. New filings will be given hearing dates in accordance with this Order and
4 subject to calendar availability. Temporary letters will be extended to the continued hearing date upon
5 presentation of a proposed order.

6 No counter-service for Probate filings is available in the clerk's office in room 103. Papers may
7 be e-filed, mailed or deposited in the secure drop-box outside room 103. A party desiring that filed-
8 endorsed copies be returned must include in the materials mailed or left in the drop-box an adequate
9 number of copies and a self-addressed stamped envelope with appropriate postage for the copies to be
10 returned by mail.

11 If, between now and June 1, 2020, a party wishes to deliver courtesy copies or lodge a proposed
12 order related to a regularly-set matter (*i.e.*, non ex parte matter), the party must deliver the filed-endorsed
13 courtesy copies and/or the hard-copy proposed order by depositing them in the secure drop box outside
14 room 103 or mailing them to the clerk's attention at a time reasonably calculated for receipt by the clerk
15 at least seven (7) court days before the hearing. After June 1, 2020, parties must comply with the
16 relevant provisions of the Local Rules. A failure to timely deliver courtesy copies or a hard-copy
17 proposed order may result in a continuance of the hearing or a removal of the matter from calendar.
18 Courtesy-copy and proposed-order requirements for ex parte matters are discussed below.

19 The Court suspends the requirement to file the original will with the initial petition for probate.
20 For initial petitions for probate filed between now and June 1, 2020, petitioner may submit the original
21 will under separate cover no later than ten (10) court days before the first hearing on the petition.

22 The Court will continue to consider ex parte petitions as much as practicable, but parties must be
23 mindful that resources are quite limited. Drop-off ex parte petitions will be acted on, as time permits.

24 Upon the filing of an ex parte petition requiring an appearance, the clerk will schedule a hearing
25 on a Wednesday or Thursday at a time between 10:00 a.m. and 11:30 a.m. The hearing will be conducted
26 by telephone via the CourtCall system. (See Cal. Rules of Court, Emergency Rule 3(a)(1) & (3).) The
27 requirement to obtain prior Court permission for CourtCall appearances is waived until further notice. If
28 a matter is to be heard telephonically, the petitioning party must give notice of the procedure to participate
to all parties entitled to notice, in compliance with California Rules of Court, Rule 3.1203 and Rule
3.1204. CourtCall appearances may be made using a mobile telephone. Given the Court's limited
resources, a party seeking ex parte relief for which an appearance is required must show in the moving
papers that the request for relief is justified by a threat of immediate and irreparable injury. The Court
may continue or take off calendar any ex parte petition that does not include such a showing. The Court,

1 in its discretion, may decide any ex parte petition on the papers.

2 For all ex parte petitions, the petitioner must deliver a hard-copy proposed order at the time they
3 file their petition. Any party filing any papers in support or opposition of an ex parte application must
4 deliver to the clerk a courtesy copy of their papers at the time of filing.

5 All in-person visits by Probate Division Court Investigators related to guardianship and
6 conservatorship matters are suspended until June 1, 2020.

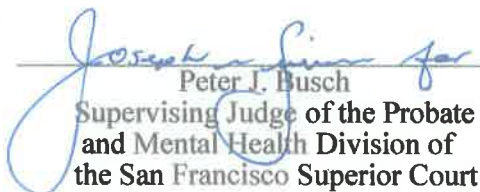
7 Matters set on the LPS Calendars (Welfare and Institutions Code Sections 5000 *et seq*) will be
8 given priority and proceed as scheduled. The court will continue to collaborate with the parties to develop
9 appropriate procedures for hearing and adjudicating matters on these calendars. Absent specific order of
10 the Court otherwise, all hearings will be conducted in Department 622 of the Civic Center Courthouse, at
11 400 McAllister Street, San Francisco, California 94102. The parties are directed to continue their practice
12 of cooperating in continuing matters that are not urgent, to the extent possible. Where hearings are
13 necessary, hearings will be conducted, whenever possible, by video or telephone, subject to the patient's
14 consent to proceed in that manner. (See Cal. Rules of Court, Emergency Rule 3(a)(1) & (3).) Temporary
15 conservatorships sought under the LPS Act will be considered by the Court on Wednesdays and
16 Thursdays. In urgent cases, the Court will consider an LPS temporary conservatorship petition on another
17 weekday if the Court is given one (1) court day prior notice. Certification and *Riese* Hearings will be
18 given priority as well and will proceed by video or telephone. See Cal. Rules of Court, Emergency Rule
19 3(a)(1) & (3).) CIPP and AOT status hearings are off calendar until further notice.

20 To the extent the Probate and Mental Health Division accepts and/or processes any filings or
21 performs preliminary administrative work on files, such acceptance and/or processing shall not alter the
22 designation and application of holidays and extensions provided by this Order

23 This is an evolving situation, and procedures are likely to change. Please refer to the Court's
24 website for current instructions and information, at <https://sfsuperiorcourt.org/>.

25 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
26 **CIRCUMSTANCES REQUIRE.**

27 DATED: May 5, 2020

28 
Peter J. Busch
Supervising Judge of the Probate
and Mental Health Division of
the San Francisco Superior Court